

Memorandum

To: Planning Commission

From: Julianne Thomas, Planner

Alex Score, Biologist

Date: June 21, 2006

Re: Request for Land Use Designation Change and Future land Use Map Amendment

MEETING DATE: June 28, 2006

RE NUMBER: 00081696.000000

EXISTING FUTURE LAND USE MAP DESIGNATION: None

PROPOSED FUTURE LAND USE MAP DESIGNATION: Conservation (C)

EXISTING ZONING DESIGNATION: Native Area (NA)

PROPOSED ZONING DESIGNATION: Conservation District (CD)

PROPERTY OWNER: Landings of Fisherman's Cove

AGENT: None

PROPERTY INFORMATION

Key: Key Largo

Mile Marker: Ocean Reef

Size of Parcel: 29,766.57 S.F. or 0.68 acres

Location Detail & Brief Description:

The property is located on Key Largo in Ocean Reef. The property is legally described as part of Government Lot 2, and Land at Landings & Moorings of Fisherman's Cove Condo, Section 7, Township 59 South, Range 41 East, Ocean Reef, Key Largo, Monroe County, Florida, having real estate number: 00081696.000000.

Existing Use:

There is no existing use. This is a mangrove hammock island with no habitation or development.

Existing Habitat:

The property is undisturbed native mangrove hammock.

Land Use and Habitat on the 1985 Existing Conditions Aerials:

The 1985 existing conditions aerials classify this property as native vegetation.

Neighboring Land Uses and Character:

The surrounding properties are a variety of uses. Some of the parcels which line the pond are used for recreation. Others are used for high density condominium style housing.

ZONING AND LAND USE HISTORY

Pre – 1986 Zoning:

The subject property was zoned GU prior to 1986. This designation was for a general use district with the purpose of establishing an interim land classification pending action to rezone the property for another use.

Considerations during 1986 comprehensive plan process:

During the 1986 revisions to the Monroe County Land Development Regulations and land use designations (Ordinance 33-1986 dated February 28, 1986), the subject property was re-designated as Native Area (NA) but was not given a FLUM designation.

Consideration during the 2010 comprehensive plan Process:

During the ensuing Comprehensive Plan process which culminated in the adoption of the Monroe County Year 2010 Comprehensive Plan in 1996, efforts were made to eliminate inconsistencies between the existing Land Development Regulations and the newly formulated Comprehensive Plan and to apply Future Land Use Map (FLUM) designations that were consistent with the land use district designations. The property was inadvertently not given a FLUM designation.

Map changes or boundary considerations since 1986:

The land use designation for this parcel is Native Area (NA). There was no FLUM designated and the consistent designation would be Residential Conservation (RC). However, since this is a mangrove island, the county biologist and planning staff have determined that a land use designation of Conservation District (CD) with a FLUM of Conservation (C) is more appropriate for this island.

ANALYSIS AND RATIONAL FOR CHANGE (Pursuant to Section 9.5-511 (d) (5) b.)

(i.) Changed projections:

None

(ii.) Changed assumptions:

None

(iii.) Data errors:

Parcel was not provided a FLUM designation.

(iv.) New issues:

Staff became aware that the FLUM was not changed for several areas in Ocean Reef that had land use designation changes. Upon review of the area, staff also discovered a few small islands had not been given a FLUM designation. County staff determined this island would be best served with a land use designation of Conservation District (CD) with a FLUM of Conservation (C).

(v.) Recognition of a need for additional detail or comprehensiveness:

It is in the best interest of the County to provide FLUM designations for all parcels.

(vi.) Data updates:

None

IMPACT AND POLICY ANALYSIS

Comparison of development potential for the Current and Proposed Land Uses:

1. Current Land development regulations (LDR's)

The property does not have a FLUM designation. The Land Use Designation provided is NA.

Sec. 9.5-210. Purpose of the Native Area District (NA).

The purpose of the NA district is to establish areas that are undisturbed with the exception of existing solid waste facilities, and because of their sensitive environmental character should be preserved in their natural state.

2. Potential Land Uses with Proposed Map Amendment

Staff is requesting a land use designation of CD and a future land use map amendment to provide a FLUM of C.

Sec. 9.5-225. Purpose of the Conservation District (CD).

The purpose of the conservation district is to provide an area acquired for conservation purposes or subject to deed restrictions limiting the use of the property for conservation purposes.

Policy 101.4.15

The principal purpose of the Conservation land use category is to provide for publicly owned lands held primarily for the preservation of natural and historic resources and compatible passive recreational uses. Public uses consistent with the purpose of this category shall be allowed.

Compatibility with adjacent land uses and effects on community character:

Density and Intensity

Adding this FLUM designation does not have any effect on the compatibility with adjacent land uses or change what uses this parcel can support.

Use Compatibility

The property is currently being used for open space, and the correction of land use designation and conferring of appropriate FLUM will have no effect on use compatibility.

Effects on Natural Resources Goal 102

Goal 102 of the Year 2010 Comprehensive Plan states that Monroe County shall direct future growth to lands which are intrinsically most suitable for development and shall encourage conservation and protection of environmentally sensitive lands. These are lands that need to be protected under this goal, and correcting the land use designation and providing a FLUM of C will further this goal.

Effects on Public Facilities: Objective 101.11

Monroe County shall implement measures to direct future growth away from environmentally sensitive land and towards established development areas served by existing public facilities. The proposed FLUM amendment will not affect Objective 101.11.

Local Traffic, Parking, and Traffic Circulation

Staff has no evidence that there will be any local traffic, parking or traffic circulation issues created.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. **Section 9.5-511 (d)(5)b** of the Monroe County Code (MCC) allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.
2. In accordance with **Section 9.5-511 (d) (5) (b):**
 - (iii.) **Data Errors:**

This island did not receive a FLUM designation.
 - (iv.) **New issues**

Staff realized this island was not given a FLUM designation and have determined that a land use designation of Conservation District (CD) and with a FLUM of Conservation (C) suits this island.
 - (v.) **Recognition of a need for additional detail or comprehensiveness:**

All lands should have a FLUM designation. This will both protect the land and allow for appropriate development.
3. The subject property was zoned GU prior to 1986. This designation was for a general use district with the purpose of establishing an interim land classification pending action to rezone the property for another use.
4. The subject property was assigned zoning of Native Area in 1986.
5. The Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan, which took effect on January 4, 1996, neglected to provide a FLUM designation for this small native island.
6. **Section 9.5-511** prohibits any map amendments that would negatively impact community character. No negative impacts were identified.
7. **Objective 101.11** states that Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such development.
8. The **2005 Public Facilities Capacity Assessment Report** and the listed programs for stormwater and wastewater indicate that there are no significant concerns.

CONCLUSIONS OF LAW:

1. This map amendment meets criteria (iii), (iv), and (v) outlined in Section 9.5-511 of the Monroe County Land Development Regulations.
2. This map amendment will not result in a negative impact or alter the character of the properties or the immediate vicinity.
3. Based on the Findings of Facts presented, the proposed future land use designation is appropriate for this property and will allow the owners to make full use of the subject property.

RECOMMENDATION:

Based on the above Findings of Fact and Conclusions of Law, staff recommends **APPROVAL** to the Planning Commission to provide a Land Use Designation of Conservation District (CD) and a Future Land Use Map designation of Conservation(C) for RE# 00081696.000000

FLUM Amendment: RE # 00081696.000000

